

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Piere Romeo Davon Wilson,

Plaintiff,

vs.

Broad River Correctional Institution; Mrs.
Williams, Lieutenant; Sgt. Daniels, Sergeant;
Dr. Bryant, Officer,

Defendants.

Civil Action No. 0:21-cv-3670-CMC

ORDER

This matter is before the court on Plaintiff's Complaint, transferred to this court from the District of Columbia on November 9, 2021. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings. On March 24, 2022, the court ordered the issuance and service of process and instructed Plaintiff he would be responsible for effecting service of defendants. ECF No. 38. Plaintiff moved for service by the United States Marshals Service ("USMS"). ECF No. 46. The court granted Plaintiff's motion and directed the USMS to effect service. ECF No. 47. However, summonses for all defendants were returned unexecuted on May 18, 2022. ECF No. 50.

The court then issued an order permitting Plaintiff to complete new service forms sufficient to identify and locate the defendants. ECF No. 51. Plaintiff returned new forms only for Defendants Williams and Daniels. ECF No. 53. The USMS again attempted service as to those two defendants. After a third attempt, Defendant Daniels was served September 21, 2022, but Defendant Williams could not be identified.

On December 2, 2022, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending this matter be dismissed as to Defendants Broad River Correctional Institution, Williams, and Bryant pursuant to Fed. R. Civ. P. 4(m). ECF No. 72. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff failed to file objections, and the time to do so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error, and adopts the Report by reference in this

Order. Defendants Broad River Correctional Institution, Williams, and Bryant are hereby dismissed pursuant to Rule 4(m).¹

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
February 23, 2023

¹ The case will proceed against Defendant Daniels, who has not made an appearance in this matter. Plaintiff's Motion for Default Judgment was filed February 14, 2023. ECF No. 74.